

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

ALMA ROSA INFANTE,

Plaintiff,

v.

THE CITY OF HASTINGS, NEBRASKA;  
ADAMS COUNTY, NEBRASKA; THE  
STATE OF NEBRASKA; and JOHN and  
JANE DOE(S) 1 THROUGH 10; RICK  
SCHMIDT; RAELEE VAN WINKLE;  
JERRY ESCH; MICHAEL DOREMUS;  
KELLY SCARLETT; ALLEN DEDLAK; and  
ALYSON KEISER ROUDEBUSH,

Defendants.

Case No. \_\_\_\_\_

Adams County District Court  
Case No. CI 17-201

**NOTICE OF REMOVAL AND  
REQUEST FOR TRIAL  
IN LINCOLN, NEBRASKA**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Defendants, City of Hastings (“City”), John and Jane Doe(s) 1 Through 10 (“Does”), Rick Schmidt (“Schmidt”), Raelee Van Winkle (“Winkle”), Jerry Esch (“Esch”), Michael Doremus (“Doremus”), Kelly Scarlett (“Scarlett”), and Allen Dedlak (“Sedlak<sup>1</sup>”) (collectively “City Defendants”), by and through counsel and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby remove this action from the District Court of Adams County, Nebraska, to the United States District Court for the District of Nebraska. The grounds for removal are:

1. On or about May 17, 2017, Alma Rosa Infante filed a lawsuit against the City, Adams County, Nebraska, the State of Nebraska, Does, Schmidt, Winkle, Esch, Doremus, Scarlett, Sedlak, and Alyson Keiser Roudebush in the District Court of Adams County, Nebraska, captioned as *Alma Rosa Infante v. The City of Hastings, Nebraska, et al.*, Case No. CI 17-201 (hereinafter “the Action”).

2. The Action is now pending before the District Court of Adams County, Nebraska.

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<sup>1</sup> Allen Sedlak is incorrectly referenced in the caption of the Complaint as Allen Dedlak by Plaintiff.

3. This Court is the judicial district embracing the place where the Action is pending. *See* 28 U.S.C. § 1441 and 1446.

4. The Action asserts an action “brought pursuant to Title 42 U.S.C. § 1983” (“Section 1983 Claim”) claiming violations of the “First, Sixth, Eighth, and Fourteenth Amendments to the Constitution of the United States and the laws of the United States.” (Compl. ¶¶ 93 and 95.)

5. The United States District Court has original jurisdiction to the Section 1983 Claim pursuant to 28 U.S.C. § 1331.

6. Title 28 U.S.C. § 1441 provides the right to remove this matter from the District Court of Adams County, Nebraska, to the United States District Court of the District of Nebraska.

7. The Action includes separate state law claims, but the entire Action is removable pursuant to 28 U.S.C. § 1441(c).

8. Plaintiff’s complaint was served on the City Defendants on or after November 10, 2017, which is the first date one or more of the City Defendants received the initial pleading setting forth the claim for relief upon which the Action is based.

9. This Notice of Removal has been filed within thirty days after the City Defendants’ receipt of a copy of the initial pleading setting forth the claim for relief upon which the Action is based. *See* 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. § 1446(a), the City Defendants attach as Exhibit “A” to this Notice of Removal, and incorporate by reference, a copy of all process, pleadings and orders served upon the City Defendants in the Action.

11. Promptly upon filing this Notice of Removal, the City Defendants shall give notice in writing thereof to Plaintiff's attorney of record and attorneys for Defendant Adams County, Nebraska, Defendant State of Nebraska, and Defendant Alyson Keiser Roudebush, and shall file a copy of this Notice of Removal with the Clerk of the District Court of Adams County, Nebraska.

12. As required by 28 U.S.C. § 1446(b), all named co-Defendants, namely, Adams County, Nebraska, the State of Nebraska, except Alyson Keiser Roudebush, consent to and join in the removal herein unanimously, as evidenced by their separate counsel's signature below. Alyson Keiser Roudebush does not join in the removal of the Action as she has not been served with summons in the state court action and therefore said court did not acquire jurisdiction over her person, and the Action stands dismissed against her pursuant to Neb. Rev. Stat. § 25-217 (Reissue 2016).

13. City Defendants respectfully request that trial be held in Lincoln, Nebraska, pursuant to NECivR 40.1(b).

WHEREFORE, the City of Hastings, Nebraska, John and Jane Doe(s) 1 Through 10, Rick Schmidt, Raelee Van Winkle, Jerry Esch, Michael Doremus, Kelly Scarlett, and Allen Dedlak [Sedlak], hereby give notice of the removal of this case from the District Court of Adams County, Nebraska to this Court, and request the trial be held on all triable issues in Lincoln, Nebraska.

DATED this 8th day of December, 2017.

THE CITY OF HASTINGS, NEBRASKA; JOHN  
and JANE DOE(S) 1 THROUGH 10; RICK  
SCHMIDT; RAELEE VAN WINKLE; JERRY  
ESCH; MICHAEL DOREMUS; KELLY  
SCARLETT; and ALLEN SEDLAK, Defendants

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By: s/ Jerry L. Pigsley  
One of Said Attorneys

AND

STATE OF NEBRASKA, and JOHN AND JANE  
DOE(S) 1 THROUGH 10, Defendants

By: DOUGLAS J. PETERSON, #18146  
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AND

ADAMS COUNTY, NEBRASKA; and JOHN  
AND JANE DOE(S) 1 THROUGH 10, Defendants

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to Plaintiff's attorney, Terry K. Barber and by first-class United States mail, postage prepaid upon the following Plaintiff's and Defendants' attorneys:

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